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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,776	09/10/2003	Kristian Fagerstrom	944-003.174	4887

4955 7590 03/08/2007
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EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/659,776

Applicant(s)

FAGERSTROM ET AL.

Examiner

Marivelisse Santiago-Cordero

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14 is/are allowed.
- 6) ☒ Claim(s) 1-10, 15-17, 19, 21-25 and 27-31 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The references cited in the Information Disclosure Statement (IDS) filed on 2/8/07 have been considered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10 and 15-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 30 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

4. Applicant is advised that should claims 2 and 10 be found allowable, claims 22 and 27 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "said first and second panels" in the last line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-10, 15-17, 22, 24, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Nobuchi (Patent No.: US 6,175,492).

Regarding claim 1, Nobuchi discloses a mobile communication device (Fig. 1) comprising:

(a) a base element (Figs. 1-3, 7-8, reference 1);

(b) at least one functional element (Figs. 1-3, 7-8, reference 2) mounted for reciprocal movement on said base element between retracted (Figs. 2 and 7) and extended positions (Figs. 3 and 8), said at least one functional element is a function keyboard (Fig. 1, reference 2; col. 4, lines 55-62); and

(c) a cover element having upper and lower faces (Fig. 1), said cover element mounted to said base element for relative movement thereto between closed and opened positions (Figs. 1-3, 7-8; col. 4, lines 47-54) and said cover element and said at least one functional element are

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interactively connected (Figs. 2-8) for moving said at least one functional element relative to said base element between the retracted and extended positions during relative movement of said cover element between the closed and opened positions (Figs. 2-8; col. 4, lines 47-63; col. 6, lines 25-33).

Regarding claim 2, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein at least one functional element is configured to be exposed for operative use in the opened and extended positions (Figs. 1, 3, and 8) and said cover element and said at least one functional element are configured to be in overlapping alignment in the closed and retracted positions (Figs. 2 and 7).

Regarding claim 3, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein said cover element is a swivelable cover element rotatably mounted on said base element (Figs. 1-3 and 7-8).

Regarding claim 4, Nobuchi discloses a mobile communication device in accordance with claim 3 (see above), wherein said swivelable cover element is rotatably mounted on said base element around an axis extending generally perpendicular to said upper and lower faces thereof (Figs. 1-3 and 7-8).

Regarding claim 5, Nobuchi discloses a mobile communication device in accordance with claim 3 (see above), wherein said swivelable cover element is rotatably mounted on said base element around an axis extending generally perpendicular to the reciprocal movement of said at least one functional element (Figs. 1-3 and 7-8).

Regarding claim 6, Nobuchi discloses a mobile communication device in accordance with claim 5 (see above), wherein said cover element is configured to rotate 90 degrees between the closed and opened positions (Figs. 2-3).

Regarding claim 7, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein said cover element is configured to rotate 90 degrees between the closed and opened positions (Figs. 2-3).

Regarding claim 8, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein one of said cover element and said at least one functional element defines at least one eccentric groove (Figs. 1, 3, 7-8, either one of references 5, 21) and the other of said cover element and said at least one functional element has at least one pin captured in the eccentric groove (Figs. 1, 3, 7-8, either one of references 7, 23), whereby mechanical interaction of said at least one pin within said at least one groove during relative movement of said cover element to said base element between the closed and opened positions moves said at least one functional element relative to said base element between the retracted and extended positions (Figs. 1-3 and 7-8).

Regarding claim 9, Nobuchi discloses a mobile communication device in accordance with claim 8 (see above), wherein said at least one groove is defined in said cover element and said at least one pin is located on said at least one functional element (Figs. 7-8, references 21 and 23).

Regarding claim 10, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein said at least one functional element is slidable received in at least one channel in said base element for reciprocal movement (Figs. 2-3; note the space

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between references 1a and keyboard 2), whereby said cover element and said at least one functional element mechanically interact during relative movement of said cover element to said base element between the closed and opened positions to move said at least one functional element relative to said base element between the retracted and extended positions (Figs. 2-3 and 7-8).

Regarding claim 15, Nobuchi discloses mobile communication device in accordance with claim 10 (see above), wherein said at least one functional element has at least one tension spring element to bias said at least one functional element against said cover element as said at least one functional element is moved relative to said base element between the retracted and extended positions during relative movement of said cover element to said base element between the closed and opened positions (Figs. 2-3, 7-8, reference 14).

Regarding claim 16, Nobuchi discloses mobile communication device in accordance with claim 1 (see above), wherein said at least one functional element has at least one tension spring element to bias said at least one functional element against said cover element as said at least one functional element is moved relative to said base element between the retracted and extended positions during relative movement of said cover element to said base element between the closed and opened positions (Figs. 2-3, 7-8, reference 14).

Regarding claim 17, Nobuchi discloses mobile communication device in accordance with claim 1 (see above), further including a screen constructed in the upper face of said cover element to provide a visible display of information to the user (Fig. 1, reference 4).

Regarding claim 22, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein said function keyboard is exposed for operative use in the

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opened and extended positions (Figs. 1, 3, and 8) and said cover element and said function keyboard are configured to be in overlapping alignment in the closed and retracted positions (Figs. 2 and 7).

Regarding claim 24, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein said function keyboard has an array of keys consistent with selected functions (Fig. 1), said array of keys are offset to prevent interference between said array of keys and said cover element in the closed and retracted positions (Figs. 2 and 7).

Regarding claim 27, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein said at least one functional element is slidable received in at least one channel in said base element for reciprocal movement therebetween (Figs. 2-3; note the space between references 1a and keyboard 2).

Regarding claim 28, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein said cover element and said at least one functional element are interactively connected by interaction of at least one eccentric groove with a pin follower therein (Figs. 7-8, references 21 and 23) for moving said at least one functional element relative to said base element between the retracted and extended positions during relative movement of said cover element to said base element between the closed and opened positions (Figs. 7-8).

Regarding claim 29, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein said cover element and said at least one functional element are interactively connected so that a portion of said cover element engages said at least one functional element during relative movement of said cover element to said base element between

the closed and opened positions to move said at least one functional element relative to said base element between the retracted and extended positions (Figs. 2-3 and 7-8).

Regarding claim 30, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), wherein said at least one functional element is mounted for reciprocal movement relative to said base element between the retracted and extended positions and said cover element is mechanically connected to said at least one functional element to interact with said at least one functional element to move said at least one functional element relative to said base element between the retracted and extended positions during relative movement of said cover element between the closed and open positions (Figs. 2-8).

Regarding claim 31, Nobuchi discloses a mobile communication device in accordance with claim 30 (see above), wherein said cover element is configured to rotate through an angle of at least 90 degrees between the closed and opened positions (Figs. 2-3).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 19, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobuchi in view of Zamora et al. (hereinafter "Zamora"; Pub. No.: US 2001/0012196).

Regarding claim 19, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), but fails to disclose wherein said function keyboard is constructed in two portions, each mounted for reciprocal movement on said base element between retracted and

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extended positions, each of said function keyboard portions having an array of keys consistent with a selected function.

However, in the same field of endeavor, Zamora discloses wherein said function keyboard is constructed in two portions (Fig. 1, references 121 and 122), each mounted for reciprocal movement on said base element between retracted and extended positions (Abstract; paragraph [0034]), each of said function keyboard portions having an array of keys consistent with a selected function (Fig. 1; paragraph [0032]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to construct the function keyboard of Nobuchi in two portions, each mounted for reciprocal movement on said base element between retracted and extended positions, each of said function keyboard portions having an array of keys consistent with a selected function as suggested by Zamora for the advantages of enhancing the ergonomic features (Zamora: paragraphs [0005], [0007] and [0051])

Regarding claim 21, in the obvious combination, Zamora discloses wherein said two portions are on opposite sides of said cover element in the opened and extended positions (Fig. 1).

Regarding claim 23, in the obvious combination, Zamora discloses wherein said function keyboard comprises a full function QWERTY key array split in first and second portions constructed respectively in said first and second panels (Fig. 1; note that the QWERTY keyboard is the standard and most conventional keyboard).

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nobuchi in view of Lahr (Pub. No.: US 2003/0132863).

Regarding claim 25, Nobuchi discloses a mobile communication device in accordance with claim 1 (see above), but fails to specifically disclose further comprising a communication keypad constructed on said upper face of said cover element, said keypad being exposed for operative use on the closed position.

However, in the same field of endeavor, Lahr discloses further comprising a communication keypad constructed on said upper face of said cover element (Fig. 1, reference numeral 16), said keypad being exposed for operative use on the closed position (Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to construct a keypad on said upper face of said cover element of Nobuchi, said keypad being exposed for operative use on the closed position as suggested by Lahr for the advantages of increasing convenience to the user and being user-friendlier.

Allowable Subject Matter

12. Claims 11-14 are allowed.

13. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takano (Patent No.: US 5,534,891) discloses electronic equipment having a display unit and an operation input unit.

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15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSC 3/3/07

MSC



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